

UNITED STATES DISTRICT COURT  
FOR THE COMMONWEALTH OF MASSACHUSETTS

CIVIL DOCKET NO.

George Michael Dowd	}
Plaintiff	}
	}
Vs.	}
	}
James Dowd	}
Defendant	}

04-11925 NG

*MAGISTRATE JUDGE Bowler*

**COMPLAINT**

**Plaintiff Demands a Trial by Jury to all Issues at Law & Equity**

1.

The plaintiff, George Michael Dowd resides at 16070 Sixth East, 115 Avenue, Wearsdale, Florida 32195.

2.

The defendant, James Dowd resides at 203 Captain Eames Circle, Waltham, Massachusetts 02452.

3.

George Michael Dowd owned a piece of real estate at 47 Mallard Way, Waltham, Massachusetts.

4.

George Michael Dowd conveyed the parcel of real estate at 47 Mallard Way to James Dowd in good faith, for sufficient consideration with the understanding that James Dowd would compensate George Michael Dowd for a \$30,000 loan James Dowd received pursuant to the property at 47 Mallard Way, Waltham, Massachusetts.

5.

Accordingly, James Dowd owed George Michael Dowd \$50,000 for monies received from the sale of the real estate at 47 Mallard Way, Waltham, Massachusetts.

6.

In good faith, for sufficient consideration, George Michael Dowd has requested from James Dowd the \$80,000 owed to George Michael Dowd by James Dowd pursuant to their agreement concerning 47 Mallard Way, Waltham, Massachusetts.

7.

James Dowd ignored all the requests by George Michael Dowd for the \$80,000 restitution or monies gained from the breach of a contractual agreement.

8.

James Dowd threatens this father that he will call the police if he comes near him, which is reckless conduct on the part of James Dowd.

9.

James Dowd made a significant amount of monies from the sale of 47 Mallard Way, Waltham, Massachusetts.

**COUNT ONE**

**BREACH OF CONTRACT**

10.

The plaintiff, George Michael Dowd, incorporates by reference paragraphs one through nine.

11.

George Michael Dowd states that he had a binding contractual

agreement with James Dowd for sufficient consideration, forthwith, James Dowd was to compensate George Michael Dowd with the sum of \$80,000 pursuant to a piece of real estate at 47 Mallard Way, Waltham, Massachusetts. James Dowd made a significant profit from the sale of real estate at 47 Mallard Way, Waltham, Massachusetts.

**COUNT TWO**

**RESTITUTION, QUANTUM MERUIT**

12.

The plaintiff, George Michael Dowd, incorporates by reference paragraphs one through eleven.

13.

George Michael Dowd petitions this Court to order James Dowd to compensate him with \$80,000 as restitution, quantum Meruit pursuant to their agreement concerning real estate at 47 Mallard Way, Waltham, Massachusetts.

14.

James Dowd was unjustly enriched to the amount of \$80,000 which is owed to George Michael Dowd forthwith.

WHEREFORE, George Michael Dowd demands \$80,000 in damages plus interest, plus costs from James Dowd.

The plaintiff,  
By his attorney



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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY)

James DoudGeorge Michael Doud v

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 780, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950.
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

\*Also complete AO 120 or AO 121  
for patent, trademark or copyright cases

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.

h1A

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES

 NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)

YES

 NO

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES

 NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?

YES

 NO

7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).

YES

 NO

A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?

EASTERN DIVISION

CENTRAL DIVISION

WESTERN DIVISION

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?

EASTERN DIVISION

CENTRAL DIVISION

WESTERN DIVISION

(PLEASE TYPE OR PRINT)

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